

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

OCT 7 2004

JANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

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In re: Special Counsel Investigation

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Misc. No. 04-407 (TFH)

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ORDER

Pending before the Court is the Motion of the UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, SPECIAL COUNSEL, to hold witness Judith Miller in civil contempt of court pursuant to 28 U.S.C. § 1826. After conducting a hearing on October 7, 2004 and being fully advised, this Court finds as follows:

1. Judith Miller, having received subpoenas for grand jury testimony and the production of certain documents, moved to quash the subpoenas, and this Court denied the motion to quash for the reasons stated in its Memorandum Opinion dated September 9, 2004.
2. Judith Miller has, in person and through counsel, refused to comply with the grand jury subpoenas without just cause.
3. Based on this refusal, Judith Miller is in civil contempt of this Court.
4. Judith Miller has indicated her intention to pursue appeals to the United States Court of Appeals for the District of Columbia Circuit of this Court's order finding her in contempt. This appeal is brought in good faith and raises substantial issues of law.
5. Judith Miller has agreed to file her notice of appeal on or before October 12, 2004, and the parties have agreed to propose an expedited briefing schedule in the Court of Appeals requiring the filing of appellant's brief on October 22, 2004, the filing of appellee's brief on November 3, 2004, and the filing of appellant's reply on November 10, 2004.

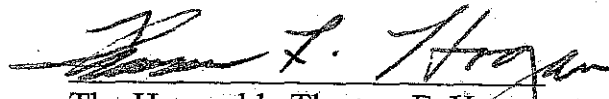
Based on the foregoing findings of fact, and for the reasons stated in open court, it is hereby

ORDERED that:

1. Judith Miller is ordered confined at a suitable place until such time as she is willing to comply with the grand jury subpoenas. The period of confinement shall not exceed the life of the term of the grand jury, including extensions, and in no event shall exceed eighteen months; and
2. Judith Miller is granted bail pending appeal of the court's finding of contempt to the United States Court of Appeals for the District of Columbia Circuit.

SO ORDERED.

October 7, 2004.


The Honorable Thomas F. Hogan
United States District Judge